

**RECEIVED****MAY 01 2018****Carrie Janto - Petition 17-06 to amend SCR 81.02**

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**Subject:** Petition 17-06 to amend SCR 81.02

CLERK OF SUPREME COURT  
OF WISCONSIN

May it please the court,

You have invited comments to Petition 17-06. Thank you for the opportunity. I am a past president of the State Bar of Wisconsin. I have also served as the president of the Dane County Bar Association and of the Wisconsin Association of Criminal Defense Lawyers. I have lobbied the legislature for an increased hourly rate for those who take State Public Defender cases for over 30 years. The State Bar has lobbied for increased assigned counsel rates for over 30 years. You have been provided with numerous studies and reports detailing why the current rate cannot pay overhead, much less leave anything for a lawyer to live on. The legislature has not raised the SPD rate. We have now reached the embarrassing position of having the lowest assigned counsel rate in the country. We should be ashamed, yet the legislature's last action in regard to the hourly rate we pay attorneys who represent our poorest citizens was to lower it.

This was done at the same time the legislature hired its own attorneys at over five times that rate. The Supreme Court, as the guardian of our criminal justice system, has been left as the branch of government that must act when the executive and legislative branches neglect their duty. We are facing a constitutional crisis because poor people are left in jail without attorneys for weeks at a time due to the inability of the Public Defender's office to find attorneys to take on representation of these citizens at the current hourly rate. Victims are denied their day in court because the accused does not have counsel. Court calendars are being delayed all over the state due to lack of counsel. Circuit courts are forced to have hearings and appoint counsel at higher rates to find lawyers willing to represent those presumed to be innocent. Attorneys simply cannot afford to take these cases at the current rate. I urge the Court to grant the relief sought in Petition 17-06 as part of its duty to protect the Criminal Justice system. Please amend the Supreme Court Rule before our system crashes completely. Thank you.

Gerald W. Mowris

Attorney at law

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